

I'm a recording artist working in the New York City area. Myself-produced recordings are played nationally by jazz, mostly public-radio, programs and stations. I have also been able to participate in a few live broadcasts. We have several local "jazz" stations here in NYC, most of them are public radio and remarkably accessible to independent labels like mine. However, the big commercial "jazz" station, WQCD, which programs what's known in the industry as "cool jazz" is absolutely inaccessible to an independent like me, even though my projects include tracks that are fully appropriate for their programming.

I've made the decision not to pursue a contract with a major label in order to maintain my own artistic and creative control of my work and projects. This has also allowed me to work with the musicians and creative artists of my choice, not those demanded by a label or producer. My two current CDs, "I Hear Music" and "Moments," both on the Bearheart Records label and featuring the highly accomplished Palmetto recording artist Bill Mays, have received international recognition, radio play and critical acclaim. With Russ Kasso (who worked at the piano for many years for Frank Sinatra) I am in the process of finalizing a recording project to be released next spring. As always, I will have an official live release here in New York City at a major venue, followed by performances of various kinds around the country. I will also hire a team to promote the record both to press and radio and will continue to sell my records on my own website, thru the indy-friendly website CDBaby.com, Amazon.com, Tower Records, Virgin Records and North Country (an international jazz distribution leader).

Most of the local (to NYC) jazz stations are willing to accept a CD from an indy-producer. I find most of them will respond better to an e-mail than to a phone call. I understand how many requests they receive on a weekly basis to play someone's music and I know most of them are under intense pressure from the major labels to service those labels as exclusively as possible. Each of the stations has their own way of screening: some will allow a DJ to do his/her own screening; others demand that DJs can use only what has been placed in the station's "library" after approval of someone on station staff. Still others will only deal with major labels and will have nothing to do with indy labels. Sadly, these are the larger stations with the commercial appeal and the largest audiences. Indy music is no less appealing or appropriate than that delivered by the major labels (sometimes it's actually MORE so), but the stations and the DJs seem to be in the pockets of the major la

bels. This said, I've never been told my records (and my label) would be given airtime if I paid for it.

It would be great to come up with a definition of "local programming." Here in New York, of course, that's going to mean anyone who works, performs and records here. And that's half of the industry. But it would create a more fair playing field for those of us who are indies certainly as far as the large California labels and studios are concerned. The market is driven by what audiences get to hear. I really believe that if the WQCD audience got to hear my music they would be asking for it - and they would also be buying it for their own CD players. Asking local stations to program a certain percentage of "local programming" would help indy-artists all over the country and would even help us here in NYC.

I think "locally originated" is a good place to start - and so is "locally produced" - that means it was recorded, for instance, in NYC in order to be considered "local programming" for WQCD. I do believe programming decisions

should be made at the local station level. In most cases, programming is interesting and fair when done by the local stations themselves. Oversight could come in explanations thru (regulating of) playlists of each station. I'm not sure how much money is budgeted for this kind of regulatory oversight.

Local programming should include: artists who perform or are currently (as they travel) performing locally; artists whose recordings were produced locally. New York is such a huge market. I can't imagine there'd be a way to do high school bands and things, tho' I do know that WBGO (Newark) does play some interesting jazz recordings regardless of who/what so long as the quality is high.

I think any sponsorship of fundraisers and community events should always be counted favorably for a radio station. Good will in the community is necessary from all businesses and citizens. But I think that's a separate issue from programming.

I have always hired a radio promoter. I have paid this person a monthly "fee" to do what he can to get my music on the air where he knows DJs and even where he doesn't. I can't say whether he's had to pay money to anyone to get my music on the air. He claims that he has not.

An artist getting on-air performing exposure is not payola if the artist isn't paying the station in order to do the performance. I have donated CDs to public radio stations for their annual fund drives (when they create CD package giveaways) and I do not consider that payola.

Paying for an announced ad should never be considered payola. It is advertisement. Just like coca-cola.

Payment for: (i) programming songs and (ii) how the songs are announced is payola. All of that should be left to the creative discretion of the DJs and the stations and no money should ever change hands for that.

As I said, I haven't ever been told I need to participate in payola in order to get my records played where they are currently being played.

Any broadcast should definitely let the listener know where the programming is being done and where the announcer is located. That's certainly what the best syndicated shows do. Nothing should take away the contact that live DJs and announcers have with radio audiences. Radio has always been a LIVE medium and should definitely remain so. The announcer and the listener create a very intimate relationship based on moment to moment participation in the music and what's being broadcast. The medium will greatly change and not for the better if LIVE is removed from radio.

I agree that the national playlists are absolutely inaccessible to indie artists and labels. The gatekeepers care nothing for anything local in any market. They are dealing only with major labels and convincing station (and conglomerate) sponsors that the major labels will best sell and promote the sponsors' merchandise and services.

I think requiring a certain percentage of programming for each station to be considered "local programming" will be a great first step in breaking down the power of the gatekeepers.

Radio is like any other industry. I believe that as many stations (products) available to the market as the market will bear is the fairest way to run the radio business. Especially in larger markets, this also allows niche radio to happen, just as there is niche publishing for magazines and papers, niche restaurant work and indy movie theatres.

Thank you for taking the time to consider the comments of indy-producers and artists like me. We are very interested in having our music and our business ideas heard and appreciate the FCC listening to us.